

EXHIBIT D

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CITY OF HIALEAH EMPLOYEES') Civil Action No. 1:21-cv-09582
RETIREMENT SYSTEM, individually and on)
behalf of all others similarly situated,)
Plaintiff,)
v.)
PELOTON INTERACTIVE, INC., JOHN)
FOLEY, WILLIAM LYNCH, and JILL)
WOODWORTH,)
Defendants.)
ANASTASIA DEULINA, individually and on) Civil Action No. 1:21-cv-10266
behalf of all others similarly situated,)
Plaintiff,)
v.)
PELOTON INTERACTIVE, INC., JOHN)
FOLEY, WILLIAM LYNCH, and JILL)
WOODWORTH,)
Defendants.)

DECLARATION OF BRIAN MCMATH

I, Brian McMath, pursuant to 28 U.S.C. §1746, declare as follows:

1. I am a member of the bar of the State of New Mexico and am an Assistant Attorney General, Office of the Attorney General of the State of New Mexico. I respectfully submit this declaration in support of the New Mexico State Investment Council’s (“NMSIC”) Motion for Appointment as Lead Plaintiff and Approval of Lead Plaintiff’s Selection of Lead Counsel.

2. The NMSIC is a State agency charged with managing New Mexico’s \$34 billion permanent endowment.

3. The Attorney General for the State of New Mexico is statutorily authorized to provide counsel to the State’s agencies, including the NMSIC. Pursuant to State law, the Attorney General has the discretion to initiate or participate in litigation on behalf of the State and its agencies, when in his judgment the interest of the State so requires. The Office of the Attorney General is providing counsel to the NMSIC and will actively monitor and remain informed about the status of this case.

4. The Attorney General for the State of New Mexico is authorized to commission outside counsel to represent the State of New Mexico in matters the Attorney General deems necessary to have the assistance of counsel with particular experience and expertise. The Attorney General has designated Bleichmar Fonti & Auld LLP as counsel for the NMSIC in this action for all purposes.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Executed this 18th day of January, 2022.

Brian E. McMath

BRIAN MCMATH
ASSISTANT ATTORNEY GENERAL
Office of the Attorney General for the State of
New Mexico